

Logbook for Small Passenger Vessels

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OFFICIAL LOGBOOK

Supplied gratuitously by Marine Safety Office San Francisco Bay, California
to small passenger vessels in domestic trade in and around California.

Name of Vessel	
Operating Number	
GT	
Name of Master	

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The enclosed excerpts from the Code of federal Regulations were current as of printing May 12, 1998. To determine whether a Code volume has been amended since this printing, consult the "List of CFR Sections Affected (LSA)," which is issued monthly, and the "Cumulative List of Parts Affected," which appears in the Reader Aids section of the daily register. These two lists will identify the federal Register page number of the latest amendment of any given rule

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Crew Training.

185.420 Crew Training

- (a) The owner, charterer, master or managing operator shall instruct each crew member, upon first being employed and prior to getting underway for the first time on a particular vessel and at least once every three months, as to the duties that the crew member is expected to perform in an emergency including, but not limited to, the emergency instructions listed on the emergency instruction placard required by Sec. 185.510 of this part and, when applicable, the duties listed in the station bill required by Sec. 185.514 of this part.
- (b) Training conducted on a sister vessel may be considered equivalent to the initial and quarterly training requirements contained in paragraph (a) of this section.
- (c) Crew training shall be logged or otherwise documented for review by the Coast Guard upon request. The training entry shall include the following information.
 - (1) Date of the training; and
 - (2) General description of the training topics.

Abandon Ship and Man Overboard Drills and Training

185.520 Abandon ship and man overboard drills and training

- (a) The master shall conduct sufficient drills and give sufficient instructions to make sure that all crew members are familiar with their duties during emergencies that necessitate abandoning ship or the recovery of persons who have fallen overboard.
- (b) Each abandon ship drill must include:
 - (1) Summoning the crew to report to assigned stations and prepare for assigned duties;
 - (2) Summoning passengers on a vessel on an overnight voyage to muster stations or embarkation stations and ensuring that they are made aware of how the order to abandon ship will be given;
 - (3) Checking that life jackets are correctly donned;
 - (4) Operation of any davits used for launching liferafts; and
 - (5) Instruction on the automatic and manual deployment of survival craft.
- (c) Each abandon ship drill must, as far as practicable, be conducted as if there were an actual emergency.
- (d) Each rescue boat required in accordance with Sec. 180.210 of this chapter must be launched with its assigned crew aboard and maneuvered in the water as if during an actual man overboard situation:
 - (1) Once each month, if reasonable and practicable; but
 - (2) At least once within a 3 month period before the vessel gets underway with passengers.
- (e) Onboard training in the use of davit launched liferafts must take place at intervals of not more than 3 months on a vessel with a davit launched liferaft.
- (f) Abandon ship and man overboard drills and training shall be logged or otherwise documented for review by the Coast Guard upon request. The drill entry shall include the following information:
 - (1) Date of the drill and training; and
 - (2) General description of the drill scenario and training topics.

Operational Readiness, Maintenance, and Inspection of lifesaving Equipment

185.700 Operational readiness.

- (a) Each launching appliance and each survival craft and rescue boat on a vessel must be in good working order and ready for immediate use before the vessel leaves port and at all times when the vessel is underway.
- (b) Each deck where survival craft or rescue boats are stowed or boarded must be kept clear of obstructions that would interfere with the boarding and launching of the survival craft or rescue boat.

185.702 Maintenance.

- (a) The manufacturer's instructions for onboard maintenance of survival craft, rescue boats, and launching appliances, manufactured on or after March 11, 1996, must be onboard a vessel of more than 19.8 meters (65 feet) in length and readily available for a vessel of not more than 19.8 meters (65 feet) in length. The instructions must also be readily available at each inspection for certification and reinspection.
- (b) The owner or managing operator shall make sure that maintenance is carried out in accordance with the instructions required under paragraph (a) of this section.
- (c) The cognizant OCMI may accept, instead of the instructions required under paragraph (a) of this section, a shipboard planned maintenance program that includes the items listed in that paragraph.
- (d) The inspection and maintenance of the equipment listed in paragraph (a) of this section shall be logged or otherwise documented for review by the Coast Guard upon request.

185.704 Maintenance of falls

- (a) Each fall used in a launching appliance on a vessel must be turned end for end at intervals of not more than 30 months.
- (b) Each fall must be renewed when necessary due to deterioration or at intervals of not more than 5 years, whichever is earlier.
- (c) Each fall must have a corrosion resistant tag with the following permanently marked on it:
 - (1) The date the new fall was installed; and
 - (2) If the fall has been turned end for end, the date it was turned.

185.720 Weekly maintenance and inspections.

The following tests and inspections must be carried out weekly on a vessel:

- (a) Each survival craft, rescue boat, and launching appliance must be visually inspected to ensure its readiness for use;
- (b) Each rescue boat engine must be run ahead and astern for not less than 3 minutes, unless the ambient temperature is below the minimum temperature required for starting the engine; and
- (c) Each battery for rescue boat engine starting must be brought up to full charge at least once each week if:
 - (1) The battery is of a type that requires recharging; and
 - (2) The battery is not connected to a device that keeps it continuously charged.

185.722 Monthly inspections.

Each survival craft, rescue boat, and launching appliance on a vessel must be inspected monthly, using the manufacturers instructions to make sure it is complete and in good order.

185.724 Quarterly inspections.

- (a) Each winch control apparatus of a launching appliance on a vessel, including motor controllers, emergency switches, master switches, and limit switches, must be examined once in each 3 months.
- (b) The examination required by paragraph (a) of this section must include the removal of drain plugs and the opening of drain valves to make sure that enclosures are free of water.

185.726 Annual inspections.

- (a) Each rescue boat must be stripped, cleaned, and thoroughly inspected, and any necessary repairs made at least once each year, including emptying and cleaning of each fuel tank, and refilling it with fresh fuel.
- (b) Each davit, winch, fall and other launching appliance must be thoroughly inspected, and any necessary repairs made, at least once each year.
- (c) Each item of lifesaving equipment with an expiration date must be replaced during the annual inspection and repair if the expiration date has passed.
- (d) Each battery used in an item of lifesaving equipment, except inflatable survival craft equipment, must be replaced during the annual inspection if the expiration date of the battery has passed. The expiration date of the battery may be marked on the battery or the owner or managing operator may have a record of the expiration date from the manufacturer of a battery marked with a serial number.
- (e) Except for a storage battery used in a rescue boat, each battery without an expiration date indicated on it or for which the owner or managing operator does not have a record of the expiration date, used in an item of lifesaving equipment, must be replaced during the annual inspection.

185.728 Testing and servicing of Emergency Position Indicating Radiobeacons (EPIRB).

The master of the vessel shall ensure that:

- (a) Each EPIRB, other than an EPIRB in an inflatable liferaft, must be tested monthly, using the integrated test circuit and output indicator, to determine that it is operative;
- (b) The EPIRB's battery is replaced after it is used, or before the date required by FCC regulations in 47 CFR part 80, whichever comes sooner; and
- (c) The EPIRB test required by paragraph (a) shall be logged or otherwise documented, as applicable.

185.730 Servicing of inflatable liferafts, inflatable buoyant apparatus, inflatable life jackets, and inflated rescue boats.

- (a) Each inflatable liferaft, inflatable buoyant apparatus, inflatable life jacket, and hybrid inflatable life jacket or work vest must be serviced:
 - (1) Within 12 months of its initial packing; and
 - (2) Within 12 months of each subsequent servicing, except when servicing is delayed until the next scheduled inspection of the vessel, provided that the delay does not exceed 5 months.
- (b) Each inflatable liferaft and inflatable buoyant apparatus must be serviced:
 - (1) Whenever the container of the raft is damaged, or the straps or seal are broken; and
 - (2) At a servicing facility approved by the Commandant to service that particular brand.
- (c) Each inflatable life jacket must be serviced in accordance with the servicing procedure under Sec. 160.176 in subchapter Q of this chapter, or other standard specified by the Commandant.
- (d) Each hybrid inflatable life jacket or work vest must be serviced in accordance with the servicing procedure under Sec. 160.077 in subchapter Q of this chapter, or other standard specified by the Commandant.
- (e) Repair and maintenance of inflated rescue boats must be in accordance with the manufacturer's instructions. All repairs must be made at a servicing facility approved by the Commandant, except for emergency repairs carried out on board the vessel.

Sec. 185.740 Periodic servicing of hydrostatic release units.

- (a) Each hydrostatic release unit, other than a disposable unit, must be serviced:
 - (1) Within 12 months of its manufacture and within 12 months of each subsequent servicing, except when servicing is delayed until the next scheduled inspection of the vessel, provided that the delay does not exceed 5 months; and
 - (2) In accordance with the repair and testing procedures under Sec. 160.062 in subchapter Q of this chapter, or other standard specified by the Commandant.
- (b) Each disposable hydrostatic release unit must be marked with an expiration date of two years after the date on which the unit is installed.

Marine Casualty and Voyage Records

185.202 Notice of Casualty

- (a) Immediately after the addressing of resultant safety concerns, the owner, agent, master, or person in charge of a vessel involved in a marine casualty shall notify the nearest Marine Safety Office, Marine Inspection Office, or Coast Guard Group Office whenever a vessel is involved in a marine casualty consisting of:
 - (1) An unintended grounding, or an unintended strike of (allision with) a bridge;
 - (2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or the safety of a vessel, or that meets any criterion of paragraphs (a)(3) through (a)(7) of this section;
 - (3) Loss of main propulsion or primary steering, or any associated component or control system, that reduces the maneuverability of the vessel;
 - (4) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route, including but not limited to fire, flooding, failure of or damage to fixed fire extinguishing systems, lifesaving equipment, auxiliary power generating equipment, or bilge pumping systems;
 - (5) Loss of life;
 - (6) Injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, which renders the individual unfit to perform his or her routine duties; or
 - (7) An occurrence not meeting any of the above criteria but causing property damage in excess of \$25,000. This damage includes the cost of labor and material to restore the property to its condition before the occurrence, but does not include the cost of salvage, cleaning, gas freeing, drydocking, or demurrage.
- (b) A vessel is excluded from the requirements of paragraphs (a)(5) and (a)(6) of this section with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g., collision) or a vessel equipment casualty (e.g., cargo boom failure) and are subject to the reporting requirements of the Occupational Safety and Health Administration (OSHA) in 29 Code of Federal Regulations (CFR) part 1904.
- (c) Notice given as required by Sec. 185.203 satisfies the requirement of this section if the marine casualty involves a hazardous condition.

185.206 Written report of marine casualty

- (a) The owner, master, agent, or person in charge shall, within five days, file a written report of any marine casualty. This written report is in addition to the immediate notice required by 185.202. This written report must be delivered to a Coast Guard Marine Safety Office, or Marine Inspection Office. It must be provided on Form CG-2692 (Report of Marine Accident, Injury, or Death), Supplemented as necessary by appended Forms CG-2692A (Barge Addendum) and CG-2692B (Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident). **See Enclosure(1) located in the back of this book.**
- (b) If filed without delay after the occurrence of the marine casualty, the notice required by paragraph (a) of this section suffices as the notice required by Sec. 185.202.

185.208 Accidents to machinery

The owner, managing operator, or master shall report damage to a boiler, unfired pressure vessel, or machinery that renders further use of the item unsafe until repairs are made, to the OCMI at the port in which the casualty occurred or nearest the port of first arrival, as soon as practicable after the damage occurs.

185.210 Alcohol or drug use by individuals directly involved in casualties

- (a) For each marine casualty required to be reported by Sec. 185.202, the owner, agent, master, or person in charge of the vessel shall determine whether there is any evidence of alcohol or drug use by individuals directly involved in the casualty.
- (b) The owner, agent, master, or person in charge of the vessel shall include in the written report, Form CG 2692, submitted for the casualty information that:
 - (1) Identifies those individuals for whom evidence of drug or alcohol use, or evidence of intoxication, has been obtained; and
 - (2) Specifies the method used to obtain such evidence, such as personal observation of the individual, or by chemical testing of the individual.
- (c) An entry must be made in the Official Logbook if carried, pertaining to those individuals for whom evidence of intoxication is obtained. The individual shall be informed of this entry and the entry shall be witnessed by a second person.
- (d) If an individual directly involved in a casualty refuses to submit to, or cooperate in, the administration of a timely chemical test, when directed by a Coast Guard commissioned, warrant, or petty officer, or any other law enforcement officer authorized to obtain a chemical test under Federal, state, or local law, or by the owner, agent, master, or person in charge, this fact must be noted in the Official Logbook, if carried, and in the written report (Form CG 2692), and will be admissible as evidence in any administrative proceeding.

185.212 Mandatory chemical testing following serious marine incidents.

A marine employer whose vessel is involved in a casualty or incident that is, or is likely to become, a serious marine incident as defined in Sec. 4.03-2 of subchapter A of this chapter shall comply with the requirements of Sec. 4.06 in subchapter A of this chapter.

185.220 Records of a voyage resulting in a marine casualty.

The owner, agent, master, or person in charge of any vessel involved in a marine casualty for which a report is required under Sec. 185.202 of this part shall retain all voyage records maintained by the vessel, including rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyrocompass records, stowage plans, records of draft, aids to mariners, night order books, radiograms sent and received, radio logs, crew and passenger lists and counts, articles of shipment, official logs, and other material that might be of assistance in investigating and determining the cause of the casualty. The owner, agent, master, other officer, or person responsible for the custody thereof, shall make these records available upon request, to a duly authorized investigating officer, administrative law judge, officer or employee of the Coast Guard.

185.230 Report of accident to aid to navigation.

Whenever a vessel collides with a buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, the person in charge of such vessel shall report the accident to the nearest OCMI. No report on Form CG 2692 is required unless otherwise required under 185.202.

185.260 Reports of potential vessel casualty.

- (a) An owner, charterer, managing operator, or agent of a vessel shall immediately notify either of the following Coast Guard offices if there is reason to believe the vessel is lost or imperiled:
 - (1) The Coast Guard district rescue coordination center (RCC) cognizant over the area in which the vessel was last operating; or
 - (2) The Coast Guard search and rescue authority nearest to where the vessel was last operating.
- (b) Reasons for belief that a vessel is in distress include, but are not limited to, lack of communication with or nonappearance of the vessel.
- (c) The owner, charterer, managing operator, or agent notifying the Coast Guard under paragraph (a) of this section, shall provide the name and identification number of the vessel, a description of the vessel, the names or number of individuals on board, and other information that may be requested by the Coast Guard.

Passenger Accountability.

185.502 Crew and passenger list

- (a) The owner, charterer, managing operator, or master of the following vessels must keep a correct list of the names of all persons that embark on and disembark from the vessel:
 - (1) A vessel making a coastwise or oceans voyage where:
 - (i) Passengers embark or disembark from the vessel to another vessel or port other than at the port of origin; or
 - (ii) Passengers are carried overnight;
 - (2) A vessel making a voyage of more than 300 miles on the Great Lakes, except from a Canadian to a United States port; and
 - (3) A vessel arriving from a foreign port, except at a United States Great Lakes port from a Canadian Great Lakes port.
- (b) The master of a vessel required to prepare a crew and passenger list by paragraph (a) of this section shall see that the list is prepared prior to departing on a voyage. The list must be communicated verbally or in writing ashore at the vessel's normal berthing location or with a representative of the owner or managing operator of the vessel. The crew and passenger list shall be available to the Coast Guard upon request.

185.503 Voyage plan.

- (a) The master of the following vessels shall prepare a voyage plan:
 - (1) A vessel making an oceans or coastwise voyage;
 - (2) A vessel making a voyage of more than 300 miles on the Great Lakes, except from a Canadian to a United States port;
 - (3) A vessel, with overnight accommodations for passengers, making an overnight voyage; and
 - (4) A vessel arriving from a foreign port, except at a United States Great Lakes port from a Canadian Great Lakes port.
- (b) The voyage plan required by paragraph (a) of this section must be prepared prior to departing on a voyage and communicated verbally or in writing, ashore at the vessel's normal berthing location or with a representative of the owner or managing operator of the vessel. The voyage plan shall be available to the Coast Guard upon request. **See page xviii for an acceptable voyage plan worksheet.**

185.504 Passenger count.

- (c) The master of a vessel, except a vessel listed in Sec. 185.502(a) of this part, shall keep a correct, written count of all passengers that embark on and disembark from the vessel. Prior to departing on a voyage, the passenger count must be communicated verbally or in writing, and available ashore at the vessel's normal berthing location or with a representative of the owner or managing operator of the vessel. The passenger count shall be available to the Coast Guard upon request. **See page xviii for an acceptable passenger count worksheet.**

Passenger Safety Orientation.

185.506 Passenger safety orientation.

- (a) Except as allowed by paragraphs (b) and (c) of this section, before getting underway on a voyage or as soon as practicable thereafter, the master of a vessel shall ensure that suitable public announcements are made informing all passengers of the following:
 - (1) The location of emergency exits, survival craft embarkation areas, and ring life buoys;
 - (2) The stowage location(s) of life jackets;
 - (3) Either:
 - (i) The proper method of donning and adjusting life jackets of the type(s) carried on the vessel including a demonstration of the proper donning of a lifejacket, or
 - (ii) that passengers may contact a crew member for a demonstration as appropriate, prior to beginning an oceans or coastwise voyage;
 - (4) The location of the instruction placards for life jackets and other lifesaving devices;
 - (5) That all passengers will be required to don life jackets when possible hazardous conditions exist, as directed by the master; and
 - (6) If the vessel is operating with reduced manning or equipment requirements in Sec. 176.114 of this chapter.
- (b) As an alternative to an announcement that complies with paragraph (a) of this section, the master or other designated person may —
 - (1) Prior to getting underway, deliver to each passenger or, on a vessel that does not carry vehicles and that has seats for each passenger, place near each seat, a card or pamphlet that has the information listed in paragraphs (a)(1) through (a)(6) of this section; and
 - (2) Make an abbreviated announcement consisting of:
 - (i) A statement that passengers should follow the instructions of the crew in an emergency;
 - (ii) The location of life jackets; and
 - (iii) That further information concerning emergency procedures including the donning of life jackets, location of other emergency equipment, and emergency evacuation procedures are located on the card or pamphlet that was given to each passenger or is located near each seat.
- (c) Ferries operating on short runs of less than 15 minutes may substitute bulkhead placards or signs for the announcement required in paragraphs (a) and (b) of this section if the OCMI determines that the announcements are not practical due to the vessel's unique operation.
- (d) The master of a vessel shall ensure that a passenger, who boards the vessel on a voyage after the initial public announcement has been made as required by paragraphs (a) or (b) of this section, is also informed of the required safety information.
- (e) On a vessel on a voyage of more than 24 hours duration, passengers shall be requested to don life jackets and go to the appropriate embarkation station during the safety orientation. If only a small number of passengers embark at a port after the original muster has been held, these passengers must be given the passenger safety orientation required by paragraphs (a) or (b) of this section if another muster is not held.

Chemical Testing Program

16.201 Application

- (a) Chemical testing of personnel must be conducted as required by this subpart.
- (b) If an individual fails a chemical test for dangerous drugs under this part, the individual will be presumed to be a user of dangerous drugs.
- (c) If an individual holding a license, certificate of registry, or merchant mariner's document fails a chemical test for dangerous drugs, the individual's employer or prospective employer shall report the test results in writing to the nearest Coast Guard Officer in Charge, Marine Inspection (OCMI). The individual shall be denied employment as a crewmember or removed from duties which directly affect the safe operation of the vessel as soon as practicable and shall be subject to suspension and revocation proceedings against his or her license, certificate of registry, or merchant mariner's document under 46 CFR part 5.
- (d) If an individual who does not hold a license, certificate of registry, or merchant mariner's document fails a chemical test for dangerous drugs, the individual shall be denied employment as a crewmember or removed from duties which directly affect the safe operation of the vessel as soon as possible.
- (e) An individual who has failed a required chemical test for dangerous drugs may not be reemployed aboard a vessel until the requirements of Sec. 16.370(d) of this part and 46 CFR part 5, if applicable, have been satisfied.

16.205 Implementation of chemical testing program.

- (a) Each employer who employs more than 50 employees required to be tested under this part was required to implement the pre-employment testing program required by this part not later than July 21, 1989, and the serious marine incident and reasonable cause testing programs required by this part no later than December 21, 1989. The random testing program required by this part shall be implemented no later than October 1, 1991.
- (b) Each employer who employs from 11 to 50 employees required to be tested under this part was required to implement the pre-employment, serious marine incident and reasonable cause testing programs required by this part no later than December 21, 1989. The random testing program required by this part shall be implemented no later than October 1, 1991.
- (c) Each employer who employs 10 or fewer employees required to be tested under this part was required to implement the pre-employment, serious marine incident and reasonable cause testing programs required by this part no later than December 21, 1990. The random testing program required by this part shall be implemented not later than October 1, 1991.
- (d) [Reserved]
- (e) The periodic testing requirements of Sec. 16.220 apply to physical examinations performed after December 21, 1990.
- (f) When a vessel owned in the United States is operating in waters that are not subject to the jurisdiction of the United States, the testing requirements of Secs. 16.210 and 16.230 do not apply to a citizen of a foreign country engaged or employed as pilot in accordance with the laws or customs of that foreign country.
- (g) Upon written request of an employer, Commandant (G-MOA) will review the employer's chemical testing program to determine compliance with the provisions of this part.

16.207 Conflict with foreign laws

- (a) This part applies to the testing of all U.S. crewmembers onboard U.S. vessels operating in waters that are subject to the jurisdiction of a foreign government on and after January 2, 1997; however, implementation may be delayed until July 1, 1997.
- (b) Employers for whom compliance with this part would violate the domestic laws or policies of another country may request an exemption from the drug testing requirements of this part by submitting a written request to Commandant (G-MOA), at the address listed in Sec. 16.500(a).

16.210 Pre-employment testing requirements.

- (a) No marine employer shall engage or employ any individual to serve as a crewmember unless the individual passes a chemical test for dangerous drugs for that employer.
- (b) An employer may waive a pre-employment test required for a job applicant by paragraph (a) of this section if the individual provides satisfactory evidence that he or she has:
 - (1) Passed a chemical test for dangerous drugs, required by this part, within the previous six months with no subsequent positive drug tests during the remainder of the six-month period; or
 - (2) During the previous 185 days been subject to a random testing program required by Sec. 16.230 for at least 60 days and did not fail or refuse to participate in a chemical test for dangerous drugs required by this part.

16.210 Periodic testing requirements.

- (a) Except as provided by paragraph (c) of this section, and Secs. 10.209(h) and 12.02-9(f) of this subchapter, an applicant for an original issuance or a renewal of a license or a certificate of registry (COR), a raise in grade of a license, a higher grade of COR, an original issuance of a merchant mariner's document (MMD), the first endorsement as an able seaman, lifeboatman, qualified member of the engine department, or tankerman, or a reissuance of an MMD with a new expiration date shall be required to pass a chemical test for dangerous drugs. The applicant shall provide the results of the test to the Coast Guard Regional Examination Center (REC) at the time of submitting an application. The test results must be completed and dated not more than 185 days prior to submission of the application.
- (b) Unless excepted under paragraph (c) of this section, each pilot required by this subchapter to receive an annual physical examination must pass a chemical test for dangerous drugs as a part of that examination. The individual shall provide the results of each test required by this section to the REC when the pilot applies for a license renewal or when requested by the Coast Guard.
- (c) An applicant need not submit evidence of passing a chemical test for dangerous drugs required by paragraph (a) or (b) of this section if he or she provides satisfactory evidence that he or she has—
 - (1) Passed a chemical test for dangerous drugs required by this part within the previous six months with no subsequent positive chemical tests during the remainder of the 6-month period; or
 - (2) During the previous 185 days been subject to a random testing program required by Sec. 16.230 for at least 60 days and did not fail or refuse to participate in a chemical test for dangerous drugs required by this part.
- (d) Except as provided by paragraph (b) of this section, an applicant is required to provide the results of only one chemical test for dangerous drugs when multiple transactions are covered by or requested in a single application.

16.230 Random testing requirements.

- (a) Marine employers shall establish programs for the chemical testing for dangerous drugs on a random basis of crewmembers on inspected vessels who:
 - (1) Occupy a position, or perform the duties and functions of a position, required by the vessel's Certificate of Inspection;
 - (2) Perform the duties and functions of patrolmen or watchmen required by this chapter; or,
 - (3) Are specifically assigned the duties of warning, mustering, assembling, assisting, or controlling the movement of passengers during emergencies.
- (b) Marine employers shall establish programs for the chemical testing for dangerous drugs on a random basis of crewmembers on uninspected vessels who:
 - (1) Are required by law or regulation to hold a license issued by the Coast Guard in order to perform their duties on the vessel;
 - (2) Perform duties and functions directly related to the safe operation of the vessel;
 - (3) Perform the duties and functions of patrolmen or watchmen required by this chapter; or,
 - (4) Are specifically assigned the duties of warning, mustering, assembling, assisting, or controlling the movement of passengers during emergencies.
- (c) The selection of crewmembers for random drug testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with crewmembers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the testing frequency and selection process used, each covered crewmember shall have an equal chance of being tested each time selections are made and an employee's chance of selection shall continue to exist throughout his or her employment. As an alternative, random selection may be accomplished by periodically selecting one or more vessels and testing all crewmembers covered by this section, provided that each vessel subject to the marine employer's test program remains equally subject to selection.
- (d) Marine employers may form or otherwise use sponsoring organizations, or may use contractors, to conduct the random chemical testing programs required by this part.
- (e) Except as provided in paragraph (f) of this section, the minimum annual percentage rate for random drug testing shall be 50 percent of covered crewmembers.

- (f) The annual rate for random drug testing may be adjusted in accordance with this paragraph.
 - (1) The Commandant's decision to increase or decrease the minimum annual percentage rate for random drug testing is based on the reported random positive rate for the entire industry. All information used for this determination is drawn from the drug MIS reports required by this part. In order to ensure reliability of the data, the Commandant considers the quality and completeness of the reported data, may obtain additional information or reports from marine employers, and may make appropriate modifications in calculating the industry random positive rate. Each year, the Commandant will publish in the Federal Register the minimum annual percentage rate for random drug testing of covered crewmembers. The new minimum annual percentage rate for random drug testing will be applicable starting January 1 of the calendar year following publication.
 - (2) When the minimum annual percentage rate for random drug testing is 50 percent, the Commandant may lower this rate to 25 percent of all covered crewmembers if the Commandant determines that the data received under the reporting requirements of 46 CFR 16.500 for two consecutive calendar years indicate that the positive rate is less than 1.0 percent.
 - (3) When the minimum annual percentage rate for random drug testing is 25 percent, and the data received under the reporting requirements of 46 CFR 16.500 for any calendar year indicate that the positive rate is equal to or greater than 1.0 percent, the Commandant will increase the minimum annual percentage rate for random drug testing to 50 percent of all covered crewmembers.
- (g) Marine employers shall randomly select a sufficient number of covered crewmembers for testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate for random drug testing determined by the Commandant. If the marine employer conducts random drug testing through a consortium, the number of crewmembers to be tested may be calculated for each individual marine employer or may be based on the total number of covered crewmembers covered by the consortium who are subject to random drug testing at the same minimum annual percentage rate under this part or any DOT drug testing rule.
- (h) Each marine employer shall ensure that random drug tests conducted under this part are unannounced and that the dates for administering random tests are spread reasonably throughout the calendar year.
- (i) If a given covered crewmember is subject to random drug testing under the drug testing rules of more than one DOT agency for the same marine employer, the crewmember shall be subject to random drug testing at the percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the crewmember's function.
- (j) If a marine employer is required to conduct random drug testing under the drug testing rules of more than one DOT agency, the marine employer may—
 - (1) Establish separate pools for random selection, with each pool containing the covered crewmembers who are subject to testing at the same required rate; or
 - (2) Randomly select such crewmembers for testing at the highest percentage rate established for the calendar year by any DOT agency to which the marine employer is subject.
- (k) An individual may not be engaged or employed, including self-employment, on a vessel in a position as master, operator, or person in charge for which a license or merchant mariner's document is required by law or regulation unless all crewmembers covered by this section are subject to the random testing requirements of this section.†

16.240 Serious marine incident testing requirements.

The marine employer shall ensure that all persons directly involved in a serious marine incident are chemically tested for evidence of dangerous drugs and alcohol in accordance with the requirements of 46 CFR 4.06.

16.250 Reasonable cause testing requirements.

- (a) The marine employer shall require any crewmember engaged or employed on board a vessel owned in the United States that is required by law or regulation to engage, employ or be operated by an individual holding a license, certificate of registry, or merchant mariner's document issued under this subchapter, who is reasonably suspected of using a dangerous drug to be chemically tested for dangerous drugs.
- (b) The marine employer's decision to test must be based on a reasonable and articulable belief that the individual has used a dangerous drug based on direct observation of specific, contemporaneous physical, behavioral, or performance indicators of probable use. Where practicable, this belief should be based on the observation of the individual by two persons in supervisory positions.
- (c) When the marine employer requires testing of an individual under the provisions of this section, the individual must be informed of that fact and directed to provide a urine specimen as soon as practicable. This fact shall be entered in the vessel's official log book, if one is required.
- (d) If an individual refuses to provide a urine specimen when directed to do so by the employer under the provisions of this section, this fact shall be entered in the vessel's official log book, if one is required.

16.260 Records.

- (a) Employers shall maintain records of chemical tests which the Medical Review Officer reports as positive for a period of at least 5 years and shall make these records available to Coast Guard officials upon request. Records of tests reported as negative shall be retained for one year.
- (b) The records shall be sufficient to:
 - (1) Satisfy the requirements of Secs. 16.210(b) and 16.220(c) of this part.

- (2) Identify the total number of individuals chemically tested annually for dangerous drugs in each of the categories of testing required by this part including the annual number of individuals failing chemical tests and the number and types of drugs for which individuals tested positive.

Employee Assistance Program

16.401 Employee Assistance Program (EAP).

The employer shall provide an Employee Assistance Program (EAP) for all crewmembers. The employer may establish the EAP as a part of its internal personnel services or the employer may contract with an entity that will provide EAP services to a crewmember. Each EAP must include education and training on drug use for crewmembers and the employer's supervisory personnel as provided below:

- (a) EAP education program: Each EAP education program must include at least the following elements: display and distribution of informational material; display and distribution of a community service hot-line telephone number for crewmember assistance, and display and distribution of the employer's policy regarding drug and alcohol use in the workplace.
- (b) EAP training program: An EAP training program must be conducted for the employer's crewmembers and supervisory personnel. The training program must include at least the following elements: the effects and consequences of drug and alcohol use on personal health, safety, and work environment; the manifestations and behavioral cues that may indicate drug and alcohol use and abuse; and documentation of training given to crewmembers and the employer's supervisory personnel. Supervisory personnel must receive at least 60 minutes of training.

Management Information System

16.500 Management Information System requirements.

- (a) All marine employers shall collect the drug and alcohol testing program data identified in this section for each calendar year, January 1 to December 31. Marine employers shall submit this data to the Coast Guard by March 15 of the following year. The data shall be submitted to Commandant (G-MOA), 2100 Second Street, SW, Washington, DC, 20593-0001.
- (b) All marine employers shall collect the following drug and alcohol testing program data:
 - (1) Number of covered employees.
 - (2) Number of covered employees subject to testing under the anti-drug rules of more than one DOT agency because of the nature of their assigned duties, identified by each agency.
 - (3) Number of drug and alcohol tests by test type. The drug test types are pre-employment, random, post-accident and reasonable cause. The alcohol test types are post-accident and reasonable cause.
 - (4) Number of positive drug test results verified by a Medical Review Officer (MRO) by test type and type of drug(s). Number of alcohol tests resulting in a blood alcohol concentration of .04 percent by weight or more by test type.
 - (5) Number of negatives reported by a MRO by type of test.
 - (6) Number of applicants denied employment based on a positive drug test result verified by an MRO.
 - (7) Number of marine employees with a positive drug test result verified by an MRO, who were returned to duty in a covered position, having met the requirements of Sec. 16.370(d) and part 5 of this chapter.
 - (8) Number of marine employee drug test results that MROs verify positive for more than one drug or combination of drugs.
 - (9) Number of covered employees who refused to submit to a drug test required under this part.
 - (10) Marine employee training and education information.
- (c) The data listed in paragraph (b) of this section must be submitted on Form CG-5573, which is reproduced in appendix B to this part and may be obtained at any Officer in Charge, Marine Inspection. All items on the form must be completed. Data may be submitted by consortia or other employer representatives on behalf of a marine employer. Reports submitted in this manner may be on one form, but must also be accompanied by a list of marine employers for whom the report is submitted. Unless submitting the report on their own behalf, each marine employer must notify the Coast Guard (Commandant (G-MOA)) in writing of the consortium or representative that will submit the employer's data, and remains responsible for ensuring that the data is submitted and is accurate.
- (d) Marine employers that conduct operations regulated by another Department of Transportation Operating Administration must submit appropriate data to that Operating Administration for those employees covered by that Operating Administration's regulations.

Chemical Testing Program Questions & Answers

Do I need a chemical-testing program?

A prevailing question small commercial operators (employing only one or two employees) often ask is “Do the chemical testing regulations apply to me?” The answer is a big “YES” The chemical testing regulations apply to most commercial vessel operations regardless of the number of passengers.

Generally, if a license, Certificate of Registry (COR) or Merchant Mariners Document is required by at least one person on a vessel, that person is required to be tested, and all of the chemical testing regulations apply. Additionally, any other crewmember who performs a safety related function on board the vessel, including line handling, steering the vessel, distributing lifejackets, or insuring the safety of the passengers, is required to be included in the program.

Another common question is whether “independent contractors” or part time crewmembers need to be part of a marine employer’s chemical testing program? Again the answer is “YES” If an individual meets the definition of a crewmember, as described in 46 CFR 16.105, they must be part of your chemical testing program, regardless of how short the time period they work on your vessel.

Smaller companies may find it advantageous to comply with the chemical testing regulations by joining a chemical-testing consortium. Consortiums combine the employees of several companies into a single “testing pool” and administer the chemical testing programs for all of the companies as a single entity. Be aware that consortiums differ in the services they provide. Some may provide “full service” coverage of the chemical testing regulations, while others may provide only limited services such as a random testing pool. Because the marine employer remains ultimately responsible for the company’s chemical testing program, ensure that the consortium you choose is able to meet your specific needs.

Several operators, who are members of consortiums, have been surveyed to determine their satisfaction with the consortiums. All of the responses were favorable. The most significant factor in deciding whether to join a consortium is the cost. All of the operators surveyed indicated the cost was very reasonable for the benefits and services provided. When you consider civil penalties for non-compliance with the chemical testing regulations could cost as much as \$1000 per occurrence, the costs associated with civil liability after an injured party customer sues, or post-casualty insurance hikes, the cost of complying with the regulations becomes much more reasonable.

Another important aspect of the regulations is the requirement for a written policy. Companies without a written chemical testing policy may be subject to legal actions by disgruntled former employees. The written policy required by 46 CFR 16.401(a) provides protection. The policy should clearly identify the company’s position regarding substance abuse, and describe the actions that will be taken if the policy is violated.

Sample log Entries.

27 March 1998 Conducted crew training per 185.420 for 2 new employees. Instructed Dave West, and Joe Farmer on their duties.
lifefloat/liferaft Described ships particulars: mooring arrangements, life jacket locations, fire extinguisher locations,
of an locations and deploying instructions, and emergency distress signals. Described crews duties in the event
and emergency and held training on the use of all safety equipment. Went over the specifics of the station bill
emergency instructions.
Signed: L.m A. Sailor

29 March 1998 U/W after 2 week yard availability. Held man overboard drill with crew. Dave West, Joe Farmer and myself.

01 April 1998 Conducted a pre U/W inspection of vessel. Inspection included required weekly inspection of liferafts/lifefloats
all sat.

15 April 1998 Had life rafts serviced as required by 185.730 renewed hydrostatic release with hammer style device.

22 April 1998 Properly Installed liferafts per manufactures instruction. Date on new hydrostatic release unit 5/00

23 April 1998 Held fire drill with crew. Fire in engineroom. Trained on proper operation of installed fixed CO2. Fire valve
extinguishing system. Test operated emergency F/O shut off valves and ventilation closures. STBD F/O
hose at handle was broken and had to be replaced. All other items sat. Fire pump operated at 60 PSI with one
straight stream

25 April 1998 Held emergency flooding drill. Showed crew proper operation procedures on bilge pumps, handling passengers in
an emergency, and the method to assist a passenger in the proper donning of a PFD.

PASSENGER COUNT WORK SHEET

THE INFORMATION CONTAINED ON THIS FORM MUST BE LEFT WITH A REPRESENTATIVE OF THE VESSEL PRIOR TO DEPARTING ON A VOYAGE

Vessel Name
Call Sign
O.N.
Length
Number Crew
Number Passengers

Voyage Plan:

Describe in detail the vessels intended route including date and time departed, intended port of calls, and return date and time. In the unfortunate event of an accident this information will be used to assist Search and Rescue units in the location and assistance of your vessel.:

Passenger List:

Please check here if passenger list attached otherwise list below.

Last Name:	First Name:	Last Name:	First Name:

REPRODUCE LOCALLY

Date:

Narrative

[illegible]

Date:

Narrative

[illegible]

Date:

Narrative

[illegible]

Date:

Narrative

[illegible]

Date:

Narrative

[illegible]

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